COURT NO.2
IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) 2776/2001
(Old No. 28884/1996)

Vinod Chand Trivedi,
S/o Late Sri Iswar Dutt,
Head Operator 1461,
Police Radio Section Hardwar
(District Control Room),
Hardwar.

.....Petitioner

Versus

1. Assistant Director General of Police
   (Police Telecommunication),
   Police Radio Head Quarter,
   Maha Nagar, Lucknow.
2. Inspector General of Police/Director,
   Police Radio Head Quarter,
   Maha Nagar, Lucknow.
3. Deputy Inspector General of Police
   (Administrative),
   Police Radio Head Quarter,
   Maha Nagar, Lucknow.
4. Superintendent of Police,
   Hardwar.

.....Respondents

Sri M.K. Goyal, learned Counsel for the petitioner.
Sri Paresh Tripathi, learned Standing Counsel for the State.

26th November, 2007

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioner has prayed for a writ of Mandamus seeking a direction to consider the promotion of the petitioner on the basis of seniority.

2. I have heard learned Counsel for the parties and perused the record.

3. In the writ petition, it has not been stated that what are the rules related to promotion and how many vacancies were available at the time when the writ petition was filed or even as on date, though the learned Counsel for the petitioner stated at bar that the petitioner has neither been promoted nor he has been granted promotional pay-scale.

4. The prayer has been made on the basis that juniors to the petitioner have been promoted while the petitioner has been ignored. Why the petitioner has been ignored and why his juniors have been promoted, have not been stated in the writ petition. According to the petitioner himself, he was promoted and posted at Tehri. Petitioner himself files a writ petition challenging this order and got an interim order staying the said order in writ petition no. 3284/1996 as stated by the learned Counsel for the petitioner at bar. Therefore, the petitioner cannot claim consideration for promotion as his case has already been considered and he has already been promoted and his posting order has also been issued, against which he has obtained an interim order.

5. Since the petitioner's case has been considered, as such the prayer made by the petitioner in this writ petition is misconceived. Petition, being devoid of merit, is dismissed accordingly. No order as to costs.

(P.C. Verma, J.)

Prabodh